

Remarks

Claims 1 and 21 have been amended. No claims have been cancelled. Therefore, claims 1-25 are presented for examination.

35 U.S.C. §102(e) Rejection

Claims 21-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lin et al. (U.S. Publication No. 2003/0101290).

In response, applicant submits a declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome Lin. The submitted declaration illustrates that the present application had been conceived and reduced to practice in the United States at least prior to November 29, 2001, the filing date of Lin. Reduction to practice occurs upon proof that the inventor had prepared drawings or other descriptions of the invention that are sufficiently specific to enable a person skilled in the art to practice the invention. (see Pfaff v. Wells Elec., Inc., 525 U.S. 55).

Applicant submits that the declaration pursuant to 37C.F.R. § 1.131 removes the rejection under 35 U.S.C. §102(e). Accordingly, applicant submits that the present claims are patentable over Lin.

Applicant emphasizes that submission of the enclosed declaration pursuant to 37 C.F.R. §1.131 should not be construed as an acquiescence to any of the reasons for rejection set forth in the Final Office Action mailed June 6, 2005.

35 U.S.C. §103(a) Rejection

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lin.

For the reasons stated above with respect to the 35 U.S.C. §102(e) rejection as being anticipated by Lin, claims 1-20 are also patentable over Lin.

Claims 21 and 23-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carney et al. (U.S. Patent No. 5,303,392) in view of Linux Home Page as posted 12/01/2001.

Claim 21 has been amended to include limitations similar to those of claim 1. Therefore, for the reasons stated above with respect to the 35 U.S.C. §102(e) rejection as being anticipated by Lin, claims 21 and 23-25 are patentable over Carney in view of Linux Home Page.

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Carney in view of Siegel (U.S. Patent No. 6,298,440). Dependant claim 22 depends from and necessarily includes the limitations of independent claim 21. As discussed above claim 21 is patentable over Carney. Siegel does not disclose or suggest all the limitations of claim 22. Therefore, any combination of Carney and Siegel would not disclose or suggest the limitations of claim 22. As a result, claim 22 is patentable over Carney in view of Siegel.

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Siegel.

For the reasons stated above with respect to the 35 U.S.C. §102(e) rejection as being anticipated by Lin, claim 22 are also patentable over Lin in view of Siegel.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: September 21, 2005



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